

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VSL DOKUMENTIKOS NAMAI,

Plaintiff,

- against -

A&E TELEVISION NETWORKS, LLC

Defendant.

Docket No. 1:17-cv-6763

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff VSL Dokumentikos Namai (“Namai” or “Plaintiff”) by and through its undersigned counsel, as and for its Complaint against Defendant A&E Television Networks, LLC, (“A&E” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a four copyrighted Photographss of mummy’s owned and registered by Namai, a news outlet based in Lithuania. Accordingly, Namai seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacting doing business in New York.



4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Namai is a news outlet in the business of licensing its Photographs to online and print outlets for a fee having a usual place of business at Odminių g. 8 Vilnius LT-01122-Lithuania.

6. Upon information and belief, A&E is a foreign limited liability company duly organized and existing under the laws of the State of Delaware, with a place of business at 235 East 45<sup>th</sup> Street, New York, New York 10017. At all times material hereto, A&E has owned and operated a website at the URL: www.History.com (the “Website”)

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photographs**

7. Namai is the copyright claimant of a Photographs of mummy’s (the “Photographs”). A true and correct copy of the Photographs is attached hereto as Exhibit A.

8. The Photographs has a pending United States Copyright Registration of 1-5513568741. See Exhibit B.

#### **B. Defendant’s Infringing Activities**

9. On June 5, 2017, A&E ran an article on the Website entitled *Lithuanian Mummies Reveal Their Secrets to Scientists*. See <http://www.history.com/news/lithuanian-mummies-reveal-their-secrets-to-scientists>. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit C.

10. A&E did not license the Photographs from Plaintiff for its article, nor did A&E have Plaintiff’s permission or consent to publish the Photographs on its Website.

### **CLAIM FOR RELIEF**



**(COPYRIGHT INFRINGEMENT AGAINST A&E)**  
**(17 U.S.C. §§ 106, 501)**

11. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-10 above.

12. A&E infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website. A&E is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

13. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

14. Upon information and belief, the foregoing acts of infringement by A&E have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

15. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant A&E be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;



3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
September 5, 2017

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